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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,553	02/07/2002	Bruce Plotnick	4665/9	3446

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,553

Applicant(s)

PLOTNICK, BRUCE

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3/17/05 have been fully considered but they are not persuasive.

Applicant argues that Kikinis fails to disclose synchronizing the reminder in the local electronic program guide with a remote EPG running on a remote device. And that synchronizing is different than connecting to program a selection, and that reminders are distinct from selections. (response page 7).

Webster's dictionary defines synchronize as "to happen at the same time, to represent or arrange (events) to indicate coincidence or coexistence, to make synchronous in operation."

Kikinis discloses that a user may utilize an input device 160 to make viewing selections or reminders for viewing selections within the EPG (paragraph 30) additionally a user's EPG may transmit selection changes to other hand held EPGs or to a remote server in order to program the EPG for operation while the user is away (paragraphs 38-40). As Kikinis discloses that the programming changes, which includes reminders, are transmitted between the EPG's so that the EPG may operate while away from home, Kikinis does disclose synchronizing the local EPG with a remote EPG.

Applicant argues that Shyten fails to teach or suggest marking the given program for a reminder in a calendar application, in that a user selecting a preferred one of a number of selections within the GUI of the calendar is not the same as a reminder (response page 9).

Regarding applicants argument, <http://dictionary.reference.com/search?q=reminder> defines a reminder as *n* 1: *a message that helps you remember something; "he ignored his wife's reminders"* 2: *an experience that causes you to remember something*. Shyten discloses a PDA calendar application, which interfaces with an EPG in order to set programming, and activity reminders, which appear as messages on the PDA screen (paragraph 17). A user may be reminded of an upcoming hockey game on TV so that the user may reschedule their activities in order to view the hockey game (paragraph 16). A user may also initiate the play out of a reminded program (paragraph 20), thus meeting the requirement of marking a program for a reminder in a calendar application on the PDA as required by claim 6.

Applicants failure to traverse the official notices taken in the previous office action are taken as admission of prior art.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 ,17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application 2002/0010925 A1 to Kikinis.

Regarding claim 1, Kikinis discloses a method for using a personal digital assistant to browse and select program listings (paragraphs 26, 29-31), the method comprising:

browsing one or more program listings to select a given program listing (paragraph 30), the

program listings presented on the personal digital assistant through the use of a local electronic program guide (paragraph 7, 26, 30, 39);

where a program corresponding to the given program listing is not being aired when selected, marking the given program for a reminder in the local electronic program guide (paragraphs 7,30);

synchronizing the reminder in the local electronic program guide (PDA 220) with a remote electronic program guide running on a remote device (STB 205) via network

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connection (paragraphs 35, 36, 38-40, user connects with the remote EPG at the STB to program their selections).

Regarding claim 2, Kikinis discloses that input device 220 (PDA) maybe be used to make viewing selections (paragraph 30, 35, 36).

Regarding claim 3, Kikinis discloses that input device 160/220, may be used to make a program recording selection in order to record a program at its air time, and that the remote program guide transmits this data to the local program guide (paragraphs 7, 16, 30, 31) in order to synchronize a users EPG running on PDA 220 with the EPG running on STB 205 (paragraphs 38-40).

Regarding claim 4, Kikinis discloses that input device 160/220, may be used to make a program recording selection in order to record a program at its air time, and that the local program guide (PDA EPG) transmits this data to the remote program guide (STB 205 EPG, 7, 16, 30, 31, 41), and that recording device 115 is configured through the EPG (paragraph 31).

Regarding claim 5, Kikinis discloses that input device 160/220 is used to make recording selections, and that the EPG instructs recording device 115 as to when it should record a program (paragraph 30-31).

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Regarding claim 17, Kikinis discloses a method for using a personal digital assistant to browse and select program listings (paragraphs 26, 29-31), the method comprising:

browsing one or more program listings to select a given program listing, the program listings presented by a remote electronic program guide (paragraphs 30-31);

where a program corresponding to the given program listing is not being aired when selected, marking the given program for a reminder in the remote electronic program guide (paragraph 30);

synchronizing the reminder in the local electronic program guide (PDA 220) with a remote electronic program guide running on a remote device (STB 205) via network connection (paragraphs 35, 36, 38-40, user connects with the remote EPG at the STB to program their selections).

Regarding claim 18, Kikinis discloses EPG program selections may be stored on the STB 205 (paragraphs 38-40) and that EPG information may be displayed on the video display 105 (paragraph 33). Kikinis inherently stores EPG listings on a STB prior to display as storage of some sort is required prior to displaying the listings.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0010925 A1 to Kikinis.

Regarding claim 8, Kikinis discloses a system for using a personal digital assistant to browse and select program listings (paragraphs 26, 29-31), the system comprising:

a distribution network 135 (paragraphs 22-24);

a mobile computing device 220 storing a local electronic program guide (paragraphs 26, 29, 30, 35, 36), the mobile computing device operative to receive the program guide data, which is presented by the local electronic program guide (paragraphs 26, 29, 30), the local program guide further operative to receive input to set a recording mark or a future program reminder (paragraphs 30-31); and

a remote electronic program guide (EPG on STB 205) operative to synchronize (paragraphs 35, 36, 38-40, user connects with the remote EPG at the STB to program their selections) the recording mark or future program reminder set on the local program guide (paragraphs 16, 30, 31, 38-41).

Kikinis fails to disclose a program-listing server, which distributes program guide data over a distribution network, but does disclose that broadcast server 135 may transmit recording instructions (paragraph 31).

The examiner takes official notice that the use of a server, which transmits EPG information to a remote device via a network, is notoriously well known in the art. Utilizing an EPG server allows EPG updates to be rapidly distributed to EPG enabled devices from a single point.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to utilize an EPG listing server, thus enabling rapid updates of EPG information from a single point.

Regarding claim 9, Kikinis discloses that the mobile computing device may be a PDA (paragraph 26).

Regarding claim 14, Kikinis discloses that the PDA synchronizes the recoding command with a recoding device 115 (paragraphs 30-31).

Regarding claims 15-16, Kikinis discloses that the PDA synchronizes with the remote EPG, which is resident on an STB (paragraphs 38-40).

4. Claims 6, 7, 10 and 11, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0010925 A1 to Kikinis in view of U.S. Patent Application 2002/0133821 to Shteyn.

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Regarding claims 6, 10 and 11, Kikinis discloses a use of a PDA 220, which displays EPG info and sets program reminders (paragraphs 26-27, 30, 35-36).

Kikinis fails to disclose marking a reminder in a PDA calendar application.

Shteyn discloses a PDA, which interfaces with an EPG (paragraph 4) and a PDA calendar application in order to allow a user to plan their schedule (paragraphs 15-17 and 21).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to place a reminder in a PDA calendar application as taught by Shteyn, thus enabling a user to better plan their viewing activities.

Regarding claim 7, Kikinis discloses a use of a PDA 220, which displays EPG info and sets program reminders (paragraphs 26-27, 30, 35-36).

Kikinis and Shteyn are silent regarding issuing an alert when a program is scheduled to air.

The examiner takes official notice that generating alerts for a reminded program when it is about to air and generating alerts on a PDA is notoriously well known in the art. Alerts allow a user to remember to tune to a program, and alerts on a PDA remind a user when an activity is supposed to take place.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Kikinis and Shteyn to generate an alert before a program is to air, thus reminding a user to tune to a program which they desired to view.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0010925 A1 to Kikinis in view of U.S. Patent 5,699,107 to Lawler.

Regarding claim 12, Kikinis discloses a use of a PDA 220, which displays EPG info and sets program reminders (paragraphs 26-27, 30, 35-36).

Kikinis fails to disclose the contents of the reminder, including channel, program title, start time and end time.

Lawler discloses a reminder system in which a reminder includes the channel, program title, and start time (figure 9), stores timeslot information (column 11, lines 57-67, column 12, lines 44-63) and displays an icon in the EPG (column 13, lines 7-16), thus enabling a user to recognize programs for which a reminder has been previously set.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to store the channel, program title, start time and end time by associating the reminder with a timeslot, and displaying a reminder icon, as taught by Lawler, thus enabling a user to recognize programs for which a reminder has been previously set.

Regarding claim 13, Lawler discloses the use of a calendar (figure 6, date 104), and issues an alert when a reminded program is about to begin (figure 9, column 12, lines 51-63).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

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Regarding claim 13, Lawler discloses the use of a calendar (figure 6, date 104), and issues an alert when a reminded program is about to begin (figure 9, column 12, lines 51-63).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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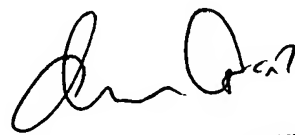
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



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